



1 The copies sent by regular and certified mail were returned as undeliverable, unable to
2 forward, no forward order on file.

3 Respondent has never been a licensee of the Division and the Division has no other
4 valid addresses on file for Respondent. The addresses relied upon by the Division are
5 required to be maintained by Respondent under Oregon law pursuant ORS 648.025 and
6 807.420.

7 Respondent has not made a written request for a contested case hearing in this matter
8 and the time to do so has expired.

9 **NOW THEREFORE**, after consideration of the Investigation Report and
10 accompanying exhibits submitted in this matter by Jason Weber, Enforcement Officer, the
11 Director hereby issues the following Findings of Fact, Conclusions of Law, and Final Order:

12 **FINDINGS OF FACT**

13 The Director **FINDS** that:

14 1. Kit Todd Hammett (hereinafter “Hammett”) first registered the assumed business
15 name of Todd James and Associates (hereinafter “Todd James”) on September 17, 2004, with
16 the Oregon Secretary of State’s Office. The primary place of business was listed as 1700
17 Mount Hood Avenue, Suite 138, Woodburn, Oregon 97071. Hammett has two other
18 businesses registered with Oregon Secretary of State’s office that also list a mailing address of
19 1700 Mount Hood Avenue, Suite 138, Woodburn, Oregon 97071: 1) OPM (Other Peoples
20 Money) & Associates; and 2) Get Er Done.

21 2. On May 3, 2006, Hammett submitted an application to the Division to register
22 Todd James as a credit services organization. On the application Hammett was listed as the
23 only partner.

24 3. Hammett failed to submit page 2 of the application for registration, which
25 requests a full and complete disclosure of any litigation and/or unresolved complaints.



1 4. DFCS requested that Hammett provide his Social Security number to facilitate a
2 background check. On June 2, 2006, Hammett provided a Social Security number ending –
3 0153, Hammett’s true Social Security number ends –4357.

4 5. DFCS conducted a background check of Hammett which revealed the following:

- 5 a. On December 12, 1994, a secret indictment was filed with the Yamhill
6 County Circuit Court charging Hammett with one count of Forgery in the
7 first degree. The charge was subsequently dismissed on March 15, 1995
8 due to a civil compromise.
- 9 b. On January 23, 1997, the Oregon Department of Justice entered an
10 Assurance of Voluntary Compliance against Hammett in Washington
11 County Circuit Court case number C930003MI.
- 12 c. On May 15, 1997, the Oregon Department of Justice entered a second
13 Assurance of Voluntary Compliance against Hammett in Washington
14 County Circuit Court case number C970011MI.
- 15 d. On November 14, 2002, the State of Oregon Construction Contractors
16 Board (“CCB”) suspended Hammett’s contractor license based on three
17 final orders entered against Hammett. Two of these Orders involved
18 Hammett’s failure to provide notice to property owners of a lien and one
19 involved dishonest or fraudulent conduct. Subsequently, CCB received
20 and/or investigated at least eighteen additional complaints against
21 Hammett. In total, CCB entered at least twelve final orders including civil
22 penalties against Hammett. In at least eight separate instances, CCB
23 found that Hammett had taken customers money and never performed any
24 service. Total loss to customers exceeded \$29,000. In each of the eight
25 instances, CCB found that Hammett had violated “OAR 812-003-



1 0000(19) by engaging in conduct as a contractor that was dishonest or
2 fraudulent.” In addition, in at least three instances, CCB found that
3 Hammett had acted as a contractor without a license in violation of ORS
4 701.055(1). CCB disclosed to DFCS that Hammett still owes
5 \$57,676.95.44 in unpaid disciplinary restitution, fines and fees as of June
6 22, 2009. Based on the above described conduct, CCB issued the
7 following final orders against Hammett:

- 8 i. Order No. 53699, entered on October 7, 2002;
- 9 ii. Order No. 54105, entered on October 21, 2002;
- 10 iii. Order No. 54243, entered on October 21, 2002;
- 11 iv. Order No. 55132, entered February 7, 2003;
- 12 v. Order No. 55104, entered February 10, 2003;
- 13 vi. Order No. 55223, entered February 14, 2003;
- 14 vii. Order No. 55224, entered February 14, 2003;
- 15 viii. Order No. 55133, entered February 21, 2003;
- 16 ix. Order No. 55273, entered February 21, 2003;
- 17 x. Order No. 55299, entered March 20, 2003;
- 18 xi. Order No. 55498, entered April 3, 2003;
- 19 xii. Order No. 55603, entered April 14, 2003;
- 20 xiii. Order No. 56015, entered May 16, 2003.

- 21 e. On March 1, 2005, Hammett was indicted in Clackamas County Circuit
22 Court on four counts of Theft I, and one count of Using Invalid License.
23 On July 12, 2005, Hammett pled guilty to one count of Theft I, a felony,
24 and Using Invalid License, a misdemeanor, case number CR0500379.
- 25 f. On October 5, 2005, Hammett filed for Chapter 7 bankruptcy in U.S.



1 Bankruptcy Court, District of Oregon, in case no 05-43394 (“the
2 bankruptcy”). In the bankruptcy petition, Hammett claimed to be an
3 “independent contractor” for Todd James & Associates beginning January
4 2005. Todd James was not registered to conduct business in Oregon until
5 October 2005.

6 6. A search of the Oregon Judicial Information Network (OJIN) revealed that
7 Hammett was listed as the defendant in at least 30 civil cases. Hammett did not disclose the
8 existence of these cases to DFCS in his application for registration as a credit service
9 organization. The cases in which Hammett is listed as a defendant on OJIN include:

- 10 a. Washington County Circuit Court case numbers: SC14582, C940663CV,
11 D913454SC, C020371CV, C021854CV, C022162CV, C023121SC,
12 C023513SC, C021702CV, C021702CV, C021702CV, C030035CV,
13 SC18699, C020652CV, D921788SC, SC15319.
- 14 b. Yamhill County Circuit Court case numbers: CV94139, 92SC0456,
15 02SC1154, 92SC0313, 93SC0415, 99SC0864.
- 16 c. Benton County Circuit Court case number: CI87358.
- 17 d. Multnomah County Circuit Court case numbers: 920705227, 930100671.
- 18 e. Clackamas County Circuit Court case numbers: SC022560, LV04010674,
19 F1660, CV06110896.
- 20 f. Marion County Circuit Court case number: 09C11112.f

21 7. Hammett did not disclose any of the information obtained by the Division and
22 described herein in his application for registration as a credit service organization.

23 **CONCLUSIONS OF LAW**

24 The Director **CONCLUDES** that

- 25 8. By failing to disclose: 1) his arrest for Forgery I; 2) the existence of two DOJ
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1 assurance of voluntary compliance Orders; 3) the twelve final Orders entered by CCB against
2 him; 4) the over \$50,000 in outstanding and unpaid fines owing to the CCB; 5) the Clackamas
3 County criminal convictions; 6) the 2005 bankruptcy filing; and 7) the thirty civil suits where
4 he was named as a defendant; Hammett violated ORS 646.386(4), which is grounds for the
5 Director to refuse to issue or deny a registration under ORS 646.396(2).

6 9. By filing an incorrect social security number with the Division, Hammett
7 knowingly filed false information with the director in violation of ORS 646.396(2)(a), which
8 is grounds for the Director to refuse to issue or deny a registration under ORS 646.396(2).

9 **ORDER**

10 **NOW, THEREFORE, THE DIRECTOR ISSUES THE FOLLOWING ORDERS:**

11 The Director, pursuant to ORS 646.397 hereby orders that Hammett shall **CEASE**
12 **AND DESIST** from violating any provision of the Oregon Revised Statutes concerning credit
13 services organizations including ORS chapter 646 and OAR chapter 441.

14 The Director, Pursuant to ORS 646.396 hereby **DENIES** Hammett’s application for
15 registration as a credit services organization.

16 The Director, Pursuant to ORS 646.396 hereby **ORDERS** Hammett to pay a Two
17 Thousand dollar (\$2,000) **CIVIL PENALTY** for violating 646.386(4) and 646.396(2)(a) .

18 The entry of this Order in no way limits further remedies which may be available to
19 the Director under Oregon law.

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Division of Finance and Corporate Securities
Labor and Industries Building
350 Winter Street NE, Suite 410
Salem, OR 97301-3881
Telephone: (503) 378-4387



1 **IT IS SO ORDERED.**

2 Dated this 5th day of November 2009, at Salem, Oregon, Nunc Pro Tunc
3 October 7, 2009.

4
5 CORY STREISINGER, Director
6 Department of Consumer and Business Services

7 /s/ David Tatman
8 David Tatman, Administrator
9 *DIVISION OF FINANCE AND CORPORATE SECURITIES*

10 NOTICE: You are entitled to judicial review of this Order. Judicial review may be
11 obtained by filing a petition with the Court of Appeals in Salem, Oregon within 60 days from
12 the service of this Order. Judicial review is pursuant to the provisions of ORS 183.482 to the
13 Oregon Court of Appeals.

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